DEMANDS FOR SUPPLEMENTARY GRANTS.

LAND REVENUE.

Mr. K. George: Sir, I move for a grant not exceeding Rs. 1,891 under Land Revenue. The amount is required for the appointment of a Special Officer and staff, for the investigation of the different varieties of Oodukur obtaining in the various taluks of the State, for a period of 3 months.

I would like to explain to the House what is meant by Oodukur ; because I feel that many people outside South Travancore are not familiar with that peculiar system. Under this system, certain garden lands are held jointly by a number of people under different tenures. There are instances in which the land is held under one set of tenure, and the trees under another, and the produce is divided according to the share of each holder of the land. This is a peculiar system which obtains chiefly in the taluks of Kalkulam (which includes the old Eraniel taluk) Vilavankod and Neyyattinkara. To a limited extent the system obtains in Agasteesvaram and Tovala taluks also. As we go north, this system of enjoyment does not exist to any large extent. But it may be interesting to the honourable members to know that we have Oodukur holdings in some parts of the Quilon Division and in some parts of the Kottayam division. I shall deal with the extent of such lands as I proceed. There are, as I said, several varieties of this Oodukur. The three principal kinds which are recognized in the Government accounts are:—(1) when lands are held under one tenure and trees thereon by different persons under another tenure, (2) when lands are held under one tenure and the trees under another tenure by the same persons, and (3) when the same tree is enjoyed by different persons in different proportios with difference of tenure for each partner. When the land is assessed under one tenure and the trees are assessed under another tenure, the tenure of the land is called kizhkur and that of the trees is called melkur.

It will be interesting to know that these lands are not divided by metes and bounds. They are only enjoyed in common and at the last settlement pattas were issued to the joint holders for their various fractional holdings. There are cases in which the fractional holdings are very very minute. For instance in certain survey numbers of the Nalloor pakuthy we come across fractional holdings like these: S. Nos. 261, 262 and 263 of that pakuthy have the following fractional parts: 55/542, 53/813, 16775/52032, 16165/78648, 9625/46828-9275/702432, 9625/58536 and 9275/87804. It passes imagination how such fractional parts came about and how the produce is actually distributed when they are taken. Now there are other fractional holdings, more or less large and small. But this is a common feature.

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Passing on to another aspect, as I said already, these are held under different kinds of tenures. For instance in the pakuthies of Midalam and Kizhmidalam you find from the Settlement Register that certain lands are held as follows :—Kizhkur Karanma, Melkur Pandara Otti, Melkur Pandarapattom, Kizhkur Marayapattom, Melkur Jenmom, Kizhkur Otti, Kizhkur Jenmom, Kizhkur Brahmaswomvaka Otti Ooranma, Melkur Karinkal Devaswom Pattom. Classifying the tenures, you can say that oodukur lands are held under the following tenures:—

Kudijenmom, Pandaravaka pattom, Pandaravaka otti, Devaswomvaka Otti, Devaswomvaka Pattom, Sripandaravaka Otti, Sripandaravaka Pattom, Brahmaswomvaga Otti and Brahmaswomvaka Pattom and the various permutations of these tenures.

Then, coming to the extent of these lands in the various parts of the State, we have in the Trivandrum Division 109,847 survey numbers covering an extent of 73,872 acres and 12½ cents held by 388,182 people. In Quilon Division we have 1129 survey numbers covering an extent of 3,206·25 acres held by 2,873 holders. In the Kottayam Division we have 13696 survey numbers, the area is 29,144·12 acres and the number of holders is 30,871. On the whole in the State we have 124,672 survey numbers covering an area of 106,223·15 acres, the number of pattadars being 4,21,926. I need not dilate further on the peculiarities of the system. It is obvious that very great evils are attached to the system. It has been found by actual examination by the Special Officer who was appointed to look into this matter that certain of these lands are completely neglected, both the lands and the trees. No effort is being made to cultivate them. Nobody cares for the trees. So much so that all that is done in regard to them is that periodically the proceeds are collected and then they are distributed in the proportion of the holdings. The lands and the trees deteriorate considerably and not only the pattadars but the State also is put to very serious loss on that account.

Another obvious trouble is this. There is a considerable amount of confusion in the accounts. As I said, the settlement pattas were issued for the various fractional holdings and in various accounts the rights to these Oodukur holdings have passed from hand to hand. Certain people have otti rights on these Oodukur shares. Certain other people have got hypothecation rights over these lands and very often the absolute proprietary rights are also transferred by sale, so much so that the whole thing is in an awful mess. That is one difficulty.

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[Mr. K. George.]

Then there is the difficulty of sharing the produce. When the produce is collected a large number of people gather together to take their shares. There are persons who have got permanent rights, there are persons who have got otti rights and there are holders of hypothecation rights to get their shares of what little there is, of a jack tree or a cocoanut tree, with the result that there are quarrels and sometimes even murders have happened over the distribution. It has been reported that about 50 per cent of the criminal cases and about 75 per cent of the civil suits in the taluks of SouthTravancore where this system prevails were concerned with Oodukur lands. Now it is obvious therefore that this is a system which should not be countenanced any longer.

Mr Padiyara Joseph Kunju: ഇങ്ങനെയുള്ള ഒരവസ്ഥ ഈ രാജ്യത്തു നടക്കുന്നുണ്ടെന്നുള്ളതു ഈയാണ്ടത്തെ ബഡ്ജറു തയാറാക്കിയതിനുശേഷമാണോ മെമ്പർ മനസ്സിലാക്കിയതു?

Mr. K. George: No, Sir. That question did not arise at the time when the budget was prepared. The opinion that this system should be abolished is well-nigh universal. In various meetings of the old Sri Mulam Assembly this question was brought to the notice of Government, and several members have moved that this system should be abolished. The question was once considered by Government but the Government at that time declined to take any action because it was thought that the civil courts would give the necessary remedy. The Oodukur holders could sue for partition.

Mr. K. R. Elankath: May I know from the honourable member whether a report was submitted by a Committee which was formed at the instance of Government some four or five years back?

Mr. K. George: I was going to speak about that. In the year 1109, Government went into this question and asked the Special Officer, who was appointed to prepare the memorandum for settlement, to look into this matter. A meeting of Oodukur tenants was held on 28-9-1109 at Thuckalai under the presidency of the then Division Peishkar. There was at that meeting a gathering of 113 persons, of which a large number constituted the Oodukur holders. At that conference it was decided that the system must be ended. Later on, as a further step, the Land Revenue Commissioner held a conference in his office on 11-3-1111 at which the Division Peishkars were present. The various aspects of this question were discussed. One of the points under consideration was whether the question of the abolition of this system should be postponed until the next settlement.

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Mr. G. Narayana Aiyar : May I know whether the Oodukur owners in North Travancore were invited to the Conference or were consulted ?

Mr. K. George : No, Sir. That was because of the fact that it was not a very serious problem so far as North Travancoreans are concerned. Whatever is decided in the case of South Travancoreans will apply equally to North Travancoreans. As I say, it was the opinion of the Conference which was held under the presidency of the Land Revenue Commissioner that it would not be wise to postpone this question until the next settlement because in the nature of the vast work that should be undertaken at the settlement it would not be possible to look with any special care on the settlement of this Oodukur problem.

Mr. Kallur Narayana Pillai (*Mavelikara and Tiruvalla cum Pattanamthitta*) വസ്തു ഉടമസ്ഥന്മാർ തമ്മിൽ സമ്മതിച്ചിട്ടുള്ള വ്യവസ്ഥയനുസരിച്ചു ഊട്ടുകുറാണൊ, അതല്ല വസ്തുവിന്റെ അവകാശ ക്രമംതന്നെ ഊട്ടുകുറാണോ?

Mr. K. George : That is not known. As we find, it is a a system which has come down from past ages perhaps, as a peculiar development of the joint family system. At any rate that is not what we find now. It might have had its origin in it.

Now, as I was saying, it was decided to recommend to Government that the question of the abolition of this system should be undertaken in advance of the settlement, and so the recommendation was made to appoint a special officer in advance.

Mr. G. Narayana Aiyar : Will *Pakurchi* also come under this system ?

Mr. K. George : I do not think there is a similarity between the two. The conference decided to recommend to Government to appoint a special officer to investigate this problem as a preliminary step. The final step of course will be a sort of adjudication of the rights of the various people by a special officer. Before any such thing could be done, we should have special legislation. But it was considered desirable to appoint a special officer for the present to make a further investigation into the varieties of the tenure that existed, to confer with the ryots and to make certain proposals in regard to the ways and means of abolishing the system.

Mr. K. R. Elenkath : May I know whether there is any elaborate treatise on the subject in the settlement memorandum ?

Mr. K. George : The officer who prepared it has a few paragraphs on this question and he has dealt with the subject in a general way.

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Mr. K. R. Elenkath: Do the Government think it imperatively necessary to get more details?

Mr. K. George: Yes, that is the point. We want more details, particularly of the varieties of the tenure, how the melkur could be abolished, and in what ways the various problems could be solved. The special officer was recommended to be appointed for a period of 6 months, but it is now proposed to have him only for three months as a first step. He will be able to draw up a scheme, consult the various interests involved and also submit a draft Bill for the necessary legislation to be enacted. That is the purpose of this supplementary grant.

Mr. G. Narayana Aiyar: Is he to submit a scheme which has the consent of the *pattadars* or irrespective of their consent?

Mr. K. George: Of course, it is not possible to carry out the wishes of each and every *pattadar* but he can consult the ryots and get the opinion of the majority of them. He can devise a scheme in consonance with the general opinion and also he can submit a draft Bill in consultation with the Law Member for the consideration of Government. This is the object which Government have in view. I trust that the House will pass this grant.

Mr. C. N. Tuppan Nambutiripad (*Travancore Jenmies*): ഉടമക്കും എന്നു പറയുന്നതു വസ്തുക്കളുടെ ഇനത്തെ സംബന്ധിച്ചാണോ അതല്ല, വസ്തുക്കളുടെ അവകാശത്തെ സംബന്ധിച്ചാണോ?

Mr. K. George: രണ്ടും ഉണ്ടെന്നാണു കാണുന്നതു്.

Mr. C. N. Tuppan Namputiripad: ഒരു കാണാധാരപ്രകാരമുള്ള വസ്തുവിൽ ജന്മവസ്തുവും പണ്ടാരപ്പാട്ടവസ്തുവും ഉണ്ടായിരുന്നാൽ അതു് ഉടമക്രാകുമോ?

Mr. K. George: ഇല്ല.

Mr. Kalloor Narayana Pillai: ഉത്തരതിരുവിതാംകൂറിലും മദ്ധ്യതിരുവിതാംകൂറിലും ഉടമക്രനുഭവം എന്നു പറയുന്നതു വസ്തുക്കളെ പ്രത്യേകം തിരിച്ചു് അനുഭവിക്കുന്നതിനു സൗകര്യമില്ലാത്ത വസ്തുക്കളെയാണു്. ഒരു പറ നിലമുള്ളതിൽ ഒരാൾ ഒരു പറയും വേറൊരാൾ ഒരു പറയും മാറിമാറി അനുഭവിക്കുകയാണെങ്കിൽ അതിനെ ഉടമക്രവകാശമെന്നു പറയുന്നു. ഇങ്ങനെ അനുഭവിക്കുന്നതു് വസ്തുക്കളെ വീതിച്ചു് അനുഭവിക്കുന്നതിനുള്ള അസൗകര്യംകൊണ്ടാണു്. ഇതുപോലെ ഒരു പറ നിലത്തിലേയ്ക്കു് വെള്ളംകൊണ്ടു പോകുന്ന ഒരു തോടു കാണും. ആ തോട്ടിൽനിന്നും വെള്ളംകൊണ്ടുവരുന്നതിനു് ആ വസ്തു വീതിച്ചുകൊടുക്കുമ്പോൾ ഒരാളിനു അസൗകര്യം കണ്ടേയ്ക്കാം. അങ്ങിനെ വരുമ്പോൾ ഇവർ കൊല്ലംതോറും ഒടി മാറി മാറി അനുഭവിക്കുന്നു. ഇതിനെയാണു ഉത്തരതിരുവിതാംകൂറിൽ ഉടമക്രനെന്നു പറയുന്നതു്.

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Mr. K. George: കല്ലുപ്പാറ പകുതിയിലുള്ള ടെനിയുവറിനെ തന്നെ വ്യത്യാസമില്ലെ?

Mr. Kalloor Narayana Pillai: കല്ലുപ്പാറ പകുതിയിൽ ഊട്ടുകുറിൽ ടെനിയുവറില്ല. ഊട്ടുക്കുറെന്നു പറയുന്നതു വസ്തുവിന്റെ അനുഭവക്രമത്തെ ആണു്. ഊട്ടു് എന്നു പറഞ്ഞാൽ ഉടമസ്ഥാവകാശം എന്നും, ക്കുറു് എന്നു പറഞ്ഞാൽ അതിന്റെ അംശം എന്നുമാണു് അർത്ഥം. അല്ലാതെ അതു ടെനിയുവറല്ല. ഊട്ടുക്കുർ ടെനിയുവർ തിരുവിതാംകൂറിലില്ല. അനുഭവക്രമത്തെയാണു് അതു സൂചിപ്പിക്കുന്നതു്. ഒരുവൻ ഒരു വസ്തുവിന്റെ അനുപതിരണ്ടിലൊരംശത്തിനു അവകാശിയായിരിക്കും. ഇതു അവകാശക്രമം തിരിച്ചു കിട്ടണമെങ്കിൽ സിവിൽക്കോടതിമുഖേന മാത്രമെ സാധിക്കയുള്ളൂ.

Mr. K George: ഒരു വസ്തുവിൽത്തന്നെ പല ടെനിയുവർ കാണുന്നുണ്ടു്.

Mr. Kalloor Narayana Pillai: ഒരു സർവെനമ്പരിൽ പണ്ടാരപ്പാട്ടം, ബ്രഹ്മസ്വം എന്നിങ്ങനെ പലയിനങ്ങളും കണ്ടേയ്ക്കാം. ജന്മിമാർ ഭാഗം പിരിഞ്ഞുപോയതിനുശേഷം ഒരു കുടുംബത്തിൽ സന്താനമില്ലാതെ വരുമ്പോൾ ആ വസ്തു അന്യംനില്പായി സർക്കാരിൽ ചേരുന്നു പണ്ടാരവകയാകുന്നു. ബാക്കി ജന്മവകയായി ശേഷിക്കുന്നു. ഇപ്രകാരമാണു് ഒരു വസ്തു രണ്ടിനമായി തീരുന്നതു്.

Mr. K. George: മേൽക്കുറ്റു വൃക്ഷംതന്നെ പല ടെനിയുവറിൽ ഇരിക്കുന്നുണ്ടു്.

Mr. Kalloor Narayana Pillai: ഒരു പുളിമരത്തിന്റെ വടക്കേക്കൊമ്പു് ഒരാളിനും തെക്കേക്കൊമ്പു് വേറൊരാളിനും അവകാശം കാണുന്നുണ്ടു്.

Mr. K. George: ടെനിയുവറിൽത്തന്നെ വ്യത്യാസം കാണുന്നുണ്ടു്.

Mr. Kalloor Narayana Pillai: വൃക്ഷം ടെനിയുവറായി വരികയില്ല.

Mr. K. George: The same tree is held by different persons in different proportions with difference of tenure.

Mr. Kalloor Narayana Pillai: ഒരു പുളിവൃക്ഷം നിൽക്കുന്ന സ്ഥലത്തിൽ പല ടെനിയുവർ കണ്ടേയ്ക്കാം. അല്ലാതെ ബ്രഹ്മസ്വം, ദേവസ്വം, പണ്ടാരപ്പാട്ടം എന്നീ ഇനങ്ങളും ഒരു പുളിമരത്തിൽ വരാൻ നിവർത്തിയില്ല. ഒരു പുളിവൃക്ഷം നിൽക്കുന്ന സ്ഥലം മറ്റൊരാളുടെ അവകാശത്തിലാണെങ്കിൽ അനുഭവിക്കാൻ വളരെ അസൗകര്യമാണു്. പുളിയെ നശിപ്പിക്കേണ്ടിത്തന്നെവരും.

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Mr. K. George: പുളിയുടെ വില മറുള്ളവർക്ക കൊടുത്താൽ അവരുടെ മേൽക്കൂര് അവകാശം നശിപ്പിക്കാമല്ലൊ.

Mr. Kalloor Narayana Pillai: അങ്ങിനെചെയ്യുന്നതു സഹകര്യമായിരിക്കും. ഉത്തരതിരുവിതാംകൂറിൽ ഇങ്ങനെയുള്ള ഉടുക്കുവകാശമില്ല. തെക്കൻ തിരുവിതാംകൂറിലെ ഉടുക്കുറന്നളവത്തിന്റെ ക്രമം പര്യാലോചിക്കുമ്പോൾ ഈ അഭ്യർത്ഥന നിശ്ചയമായും അനുവദിക്കേണ്ടതാണെന്ന് ഞാൻ അഭിപ്രായപ്പെടുന്നു.

Mr. Kottur Kunjukrishna Pillai (*Quilon* cum *Kunnathur*): Sir, I consider that the case for this supplementary grant on its merits has been made out. But, I wish to point out, Sir, without minimising the importance of this grant or the necessity for it, that we have to pay more attention with regard to Rule 77 regarding supplementary grants. Rule 77 lays down certain specific conditions on the existence of which only supplementary grants should be brought. As it has been pointed out, this is a matter which was brought to the attention of Government as early as 1109 and it could have been very easily brought in the regular course of the budget this year. I am not sure whether it cannot wait till the next budget session. I am saying this not because I am not convinced of the necessity and the desirability of appointing a Special Officer in regard to this matter and bringing about a settlement in regard to this confused system that obtains in various parts of the State, and which leads occasionally to criminal cases. We are all aware of that. But, could it not have been possible to conform to the conditions laid down in Rule 77 to which I have adverted, so that the supplementary grant need not have been somewhat irregular with regard to the subject which does not come so far as I can see under any of the sub-clauses of Rule 77 ? I wanted to draw the attention of the House to this matter and I avail myself of this opportunity to do so, because the House will remember that on occasions departmental heads have brought forward such supplementary grants and afterwards we have found that they did not even spend those amounts. I shall give an instance. The Electrical Department brought forward a supplementary demand to send one of the Assistant Engineers to England to train himself with regard to hydro-electric schemes. It was said that it was urgently necessary, that without that training work could not proceed and that it was very urgent. It was brought under one of the clauses of Rule 77 and the House very readily allowed it. Afterwards we found that all that proposal was dropped. The man has not been sent to England. Without the training which was once thought to be very imperative he has been appointed as an Executive Engineer and he carries on his

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duties. I want to stress this point merely as a general caution so that this House may not lose its general control over finance. A supplementary grant should be brought specifically under the rules laid down under the Statute. Having pointed out this much, I have nothing more to say. Regarding the grant as such, I think there is a very great necessity for the reform as suggested by the Land Revenue Commissioner.

Mr. K. R. Elenkath : I wish to add a few words in support of the motion. The mover has very ably impressed upon the House the necessity for abolishing this vexed system of Oodukur which has been giving room for, as the mover has said, many civil suits and criminal cases. He has given an illustration of a tree enjoyed under many tenures and with many persons holding proprietary rights over it called melkur and in a similar way the kizhkur being enjoyed by a number of persons. Whether it is because of immemorial usage, whether it is called a tenure or under any other name, it is imperatively necessary that such a system should be abolished, if there should be something like peace in the country and safety in the ownership and security in the enjoyment of property. This question was brought forward before Government on many occasions by the representatives of the people in the Assembly as well as in meetings assembled. In 1109 a Committee was appointed which submitted a report of which the Land Revenue Commissioner has not made any mention. In that report, Sir, practical suggestions are made as to how the system could be abolished. If that report had been approved and if the Government so pleased, they could have even at the very outset, on the suggestions given in the report and in the light of the observations made by the author of the settlement memorandum, brought forward before the House a legislation.

It may not be absolutely necessary to delay the question any further on account of the fact that we have not got sufficient information on the question. Anyhow as the Government member has stated that materials to sufficiently clarify the issues are not in the possession of the Government I am of opinion that before some sort of legislation may be got through in the House a special officer may be appointed to investigate into the matter. I should think that this supplementary grant should not be opposed on the ground that it has been brought at this late moment or that it has not been brought at the budget session. Mr. Kottur while conceding the reasonable nature of the demand, raised a small objection on the ground that this ought not to have come under the item supplementary demand. When viewing the question of supplementary demands that have been brought forward by Government before this House the main consideration on the part of the

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[Mr. K. R. Elankath.]

members on this side of the House ought to be whether the delay on account of mere technique of the question will be detrimental to the public good or not and the demand could be delayed or sanctioned on that ground. A mere technique of the question ought not to weigh with the House as much as the common good of the people in deciding the question. Therefore I strongly support the demand for the appointment of the special officer.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I do not think that any serious objection could be raised for this matter being brought in the form of a supplementary demand in view of section (*b*) of clause 176 in the Manual which provides for new services. Even apart from it I am inclined to think that whenever Government come with a supplementary grant, it is out of great consideration to this House. It is also to be recognised that out of consideration to this House, the Government have not resorted to Section 32 of Regulation II of 1108. I am a believer in the Biblical story of the mole and the gnat. I do not want to strain at a gnat. The greatest consideration should be shown to Government for coming, at least for small things, before the House, so that the members may not lose touch with the parlimentary practice of voting on supplementary grants. Occasionally, small things should be placed before us and there must be elucidation of big statements from the heads of departments. All these show that very great consideration has been shown to this House, by the present Government. Therefore I consider it a very great privilege in allowing this demand. There is also the possibility of this House forgetting the matter because of Section 32. Even in informal matters, we may hear a very modest statement of the Financial Secretary to the effect that a statement has been laid down as per Section 32 of Regulation II of 1108. When this House gets occasion to scrutinise this list, they will certainly endorse my view that there is no harm even on principle in coming to this House for a small supplementary grant. In regard to this particular matter, I may say that the Finance Committee considered this matter in all its aspects. Since the last budget was presented to this House the Government found enough leisure to bring the matter before this House only now. The Government certainly must have thought that this was the best time for deputing an officer to go into the question and prepare a report and draft a bill which might be placed before the Legislatnre. Therefore I appeal to the House to support this demand.

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Mr. G. Narayana Aiyar: Sir, I oppose the demand. The wording of the demand would show that the appointment of a Special Officer and staff is only for the investigation of the different varieties of Oodukur tenure obtaining in the various taluks of the State. The responsibility of the officer seems to be only to investigate the various tenures existing in the State in respect of Oodukur. There are the settlement registers and other revenue records to show the details of the Oodukur tenures. That is sufficient guidance for the Government to find out the character of the different tenures. Why should a special officer and staff be appointed for that purpose. The practical difficulty lies in respect of enjoyment of Oodukur tenures. It is not possible for a special officer to remedy them. Hence I do not see the usefulness in appointing an officer for this purpose. In north Travancore also we find cases where several persons are described as owners of one lekkom of property in sirkar accounts and pattah issued as Oodukur. Then there is also the ഒടിപാകർച്ച (odipakarcha) enjoyment system though the same is not recognised in sirkar accounts or in pattahs issued. Very often disputes arise as regards the enjoyment of such lands.

Mr. K. George: In that case what is the difficulty?

Mr. G. Narayana Aiyar: The pattahs do not recognise such enjoyments. Although there is enjoyment by rotation when the parties are friendly, this is a source of dispute and civil suits. So what is really needed is to make arrangements by which all these owners of properties can enjoy the land peacefully. Compromises will have to be effected as between the various owners. What can the Special Officer do for that? What are his powers? He has been asked simply to investigate the tenures. That will not remove the disabilities of the owners. Therefore I suggest that side by side with this special officer, if such an officer is to be appointed some non-official members may also be appointed for effecting a satisfactory compromise between the various owners so that troubles in respect of enjoyment may be put an end to.

Mr. K R. Elenkath: Will not legislation cure the defects in respect of troubles arising from the enjoyment of properties?

Mr. G. Narayana Aiyar: It may. But I doubt whether an investigation of the different tenures is necessary for the purpose raised by the member. There are settlement registers and records to show the different tenures. The Law Member may be directed to frame a Bill for the purpose. Hence my opinion is there is no use in deputing an officer for solving this difficult question relating to Oodukur.

Mr. Kochikkal P. Balakrishnan Tampi: Does the the member know the incidence of the different tenures?

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Mr. G. Narayana Aiyar : Yes, some of them.

Mr. James Fletcher (*Kalkulam and Vilavankode* cum *Neyyattinkara*) : Sir, I shall be failing in my duty if I do not support the demand. I come from the taluks where the people are infected with the disease of Oodukur enjoyment. I represent these three taluks which the honourable member referred to as where this Oodukur arrangement exists on a very dangerous condition. One acre of land may belong to 100 persons. They are enjoying that land in Oodukur. I am not exaggerating matters. The legal right to enjoy one acre of land by 100 persons exists and every one of them would say that they have the right to enjoy every inch of land contained in that one acre. So much so cultivation of the land becomes almost impossible. Everybody has got the right to enjoy the land and nobody has any right to own that land. Similarly with reference to enjoyment of trees also the same difficulty exists. For instance there may be one mango-tree, and 100 persons may be the owners of it. If there is any fruit in that tree that will have to be distributed among those owners. Among them it is likely that one of them may have a mischievous inclination. He may crack a joke which will result in a quarrel. It is in this manner that Oodukur tenures have given birth to a number of criminal and civil cases.

Mr. M. Govindan (*Nominated*) : Can the member kindly give us some idea as to how to get over the difficulty ?

Mr. James Fletcher : Yes, Sir. Some of the members from among that hundred would like to file a partition suit so that his property may be separated from the rest by metes and bounds. The amount of land which he would come in possession would be about one cent which may not be worth taking possession of for cultivation. Therefore the best thing would be that instead of going to a costly litigation and getting one cent of land, it will be better to appoint an officer to investigate and find out how many tenures are there and whether the different owners are prepared to sell away their right over the land. Some sort of arrangement may be brought about with these people about their 100 shares. If such an arrangement is come to the advantage would be that 100 shares will become a fifth share in one acre. There will be about 20 cents available for a person to cultivate. Therefore an officer may be deputed to find out which of these persons would be prepared to give up their right on a particular land and take a share in another land and so forth. Some sort of adjustment amongst themselves could be brought about in respect of enjoyment of trees also. What is the use of a person possessing the tree alone without the land ? How can he improve the yield unless the owner of the tree is also the owner of the land ? If he is the owner of the land,

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he can supply manure in the land and increase the yield of the tree. This Oodukur arrangement is a disease which ought to be cured as quickly as possible. I thank the Government for bringing this demand even at this stage and I would entreat every one here to help to remedy this evil as early as possible. I support the demand.

The demand was then put to vote and carried.

The grant was made.

ADMINISTRATION OF JUSTICE.

Mr. Kayalam Paramesvaran Pillai: Sir, I beg to move for a grant of Rs. 61,430 under "Administration of justice". As may be seen from the printed demand paper before the honourable members, this demand is made under three distinct items. The first item is for a grant of Rs. 5,180 for payment of fees to the special prosecutor appointed for the conduct of the Alleppey riot cases. Honourable members are aware that very recently there was a very serious riot in Alleppey in which a large number of people was involved. It was found that having regard to the complicated nature of the case, the long list of witnesses and the large number of accused persons, it would require careful study and scrutiny by an experienced lawyer for a considerable time. It was decided to appoint a special lawyer.

Mr. Nedumangad R. Kesavan Nair: May I know who found it?

Mr. Kayalam Paramesvaran Pillai: Government found it.

Besides, the same lawyer was engaged by the Government to assist the Advocate General when the case came up to the High Court in appeal. For these two together a demand of Rs. 5,180 is made.

The second item is for the salary of Government Pleaders. Honourable members are aware that recently a G. O. was issued according to which the terms and tenure of the Government Pleaders were revised. Under this G. O. the Government Pleaders who work in the High Court are to be paid Rs. 500 a month and the District Court Government Pleaders are to be paid Rs. 400 and the Assistant Additional District Court Pleaders are to be paid Rs. 350. For this purpose a sum of Rs. 11,250 is required.

The third item relates to the continuance of the five temporary Second Judges' Courts and the five temporary Munsiffs' Courts with the temporary staff attached thereto. For this purpose a sum of Rs. 45,000 is required. It was expected, when the budget was prepared, that when the Conciliation Boards are established there

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